

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.:	004770.00026
Toni Paila <i>et al.</i>		
Serial No.: 09/988,241	Group Art Unit:	2682
Filed: November 19, 2001	Examiner:	Lewis G. West
For: MULTICAST SESSION HANDOVER	Confirmation No.:	8406

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Box AF

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the final Office Action dated October 18, 2005, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual error with respect to interpretation of the Leung reference (U.S. Publ. No. 2002/0142757 A1).

The final Office Action misinterprets Applicant's arguments and responds by pointing out that Leung describes multicasting. See final Office Action, p 2, item 1, second full paragraph. This is irrelevant, however, because *this is a point that Applicants do not dispute*.

Indeed, Applicants admit as much in the Amendment filed August 29, 2005, p. 9, last paragraph, second sentence. What Applicants dispute is that Leung does not describe, teach, or otherwise suggest “in a first cell, receiving from a base station corresponding to the first cell, a broadcast message communicating multicast session information for a plurality of cells comprising the first cell and a second cell” as claimed. Stated another way, a *single base station* (“a base station”) broadcasts multicast *session information* (“a broadcast message communicating multicast session information”) for a *plurality* of cells. Leung merely describes a conventional method whereby each cell broadcasts only its own multicast session information.

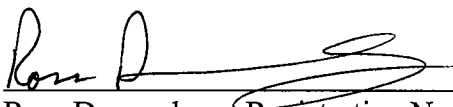
CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 6th day of Jan., 2006

By: 

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